

for Corporate Crime. Testimony was heard from William W. Wiklins, Jr., Chairman, U.S. Sentencing Commission; Paul L. Maloney, Deputy Assistant Attorney General, Criminal Division, Department of Justice; and public witnesses.

#### **MEDICAL CONDITION AND FITNESS FOR FEDERAL EMPLOYMENT**

*Committee on Post Office and Civil Service:* Subcommittee on Civil Service held a hearing on medical condition and fitness for Federal employment. Testimony was heard from the following officials of the FAA, Department of Transportation: Darlene Freeman, Deputy Associate Administrator, Aviation Standards; and Dr. Robert McMeekin, Federal Air Surgeon; and public witnesses.

#### **PILOT/TRAFFIC CONTROLLER COMMUNICATIONS ISSUES**

*Committee on Public Works and Transportation:* Subcommittee on Aviation held a hearing on Pilot/Air Traffic Controller Communications Issues. Testimony was heard from David R. Kelley, Chief, Operational Factors Division, National Transportation Safety Board; John S. Kern, Deputy Associate Administrator, Regulation and Certification, FAA, Department of Transportation; Curtis R. Graeber, Chief, Aeronautics Human Factors Branch, NASA; Don M. Newman, U.S. Representative, International Civil Aviation Organization; and public witnesses.

#### **EXPORT FACILITATION ACT**

*Committee on Rules:* Granted an open rule providing 1 hour of debate on H.R. 4653, Export Facilitation Act of 1990. The rule makes in order the Foreign Affairs amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment. The bill is to be considered by title, with each title considered as having been read. The rule waives clause 7 of rule XVI against the substitute. No amendments to the substitute, except pro forma amendments for the purpose of debate, are in order except those amendments printed in the Congressional Record at least one legislative day prior to its consideration. Finally, the rule provides one motion to recommit, with or without instructions. Testimony was heard from Chairman Fascell and Representatives Gejdenson, Levine of California, AuCoin, Broomfield, Roth, Hyde, Dickinson, Hunter, and Bentley.

#### **TECHNOLOGY FOR TRANSPORTATION OF OIL**

*Committee on Science, Space, and Technology:* Subcommittee on Transportation, Aviation and Materials held a hearing on Technology for Transportation of Oil. Testimony was heard from the following officials of the Department of Transportation: Capt. David H. Whitten, USCG, Acting Chief, Marine Safety, Security and Environmental Protection, U.S. Coast Guard; and Richard F. Bowman, Associate Administrator, Maritime Aids, Marine Administration; and public witnesses.

#### **PHYSICAL SEARCHES**

*Permanent Select Committee on Intelligence:* Subcommittee on Legislation held a hearing on physical searches conducted in the U.S. to collect intelligence information. Testimony was heard from Mary Lawton, Counsel for Intelligence Policy, Department of Justice; and public witnesses.

### *Joint Meeting*

#### **ECONOMIC STATUS OF AFRICAN-AMERICANS**

*Joint Economic Committee:* Committee concluded hearings to examine ways to close the gap between the economic well-being of African-Americans and that of other Americans, focusing on the deterioration of African-American living standards during the 1980s and policies to improve their status in the future, after receiving testimony from Eleanor Holmes Norton, Georgetown University Law Center, Washington, D.C.; Gerald D. Jaynes, Yale University, New Haven, Connecticut; David Swinton, Jackson State University, Jackson, Mississippi; and Ron Mincy, Urban Institute, Washington, D.C.

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*Tuesday, June 5, 1990*

### **Senate**

#### *Chamber Action*

*Routine Proceedings, pages 12684-12992*

**Measures Introduced:** Five bills and three resolutions were introduced as follows: S. 2703-2707, S. Res. 293, S.J. Res. 333, and S. Con. Res. 137.

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**Measures Reported:** Reports were made as follows:

H.R. 3045, to amend chapters 5 and 9 of title 17, United States Code, to clarify that States, instrumentalities of States, and officers and employees of States acting in their official capacity, are subject to suit in Federal court by any person for infringement of copyright and infringement of exclusive rights in mask works, and that all the remedies can be obtained in a suit against a private person or against other public entities. (S. Rept. No. 101-305)

S. 497, entitled the "Copyright Remedy Clarification Act", with an amendment in the nature of a substitute. (S. Rept. No. 101-305)

S. 1664, to establish a congressional commemorative medal for members of the Armed Forces who were present during the attack on Pearl Harbor on December 7, 1941, with an amendment in the nature of a substitute.

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**Omnibus Crime Bill:** Senate resumed consideration of S. 1970, to establish constitutional procedures for the imposition of the sentence of death.

Pages 12696, 12703

During consideration of this measure today, the following action also occurred:

By 54 yeas to 37 nays (Vote No. 109), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate failed to agree to close further debate on the bill.

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A second motion was entered to close further debate on the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Thursday, June 7.

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**Tongass Timber Reform Act:** Senate began consideration of the motion to proceed to H.R. 987, to amend the Alaska National Interest Lands Conservation Act to designate certain lands in the Tongass National Forest as wilderness, with a committee amendment in the nature of a substitute.

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A unanimous-consent time agreement was reached providing for consideration of the bill and certain amendments to be proposed thereto.

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Subsequently, the motion to proceed to consideration of the bill was withdrawn.

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**Presidential Messages:** Senate received the following message from the President of the United States:

Transmitting the Annual Report of the Corporation for Public Broadcasting for Fiscal Year 1989 and the Inventory of Federal Funds Distributed to Public Telecommunications Entities by Federal Departments and Agencies, which was referred to the Committee on Commerce, Science, and Transportation. (PM-122)

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**Nominations Received:** Senate received the following nominations:

Frederico A. Moreno, to be United States District Judge for the Southern District of Florida.

Michael L. Johnson, to be United States Marshal for the District of Idaho for the term of four years.

Albert Z. Moore, to be United States Marshal for the Northern District of Ohio for the term of four years.

Paul L. Ziemer, of Indiana, to be an Assistant Secretary of Energy (Environment, Safety and Health).

Calvin A. Kent, of Texas, to be Administrator of the Energy Information Administration.

Rosalie Gaull Silberman, of the District of Columbia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 1995.

Andrew C. Hove, of Nebraska, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for a term expiring February 28, 1993.

Christopher A. Hart, of the District of Columbia, to be a Member of the National Transportation Safety Board for the remainder of the term expiring December 31, 1992.

David H. Leroy, of Idaho, to be Nuclear Waste Negotiator.

Gopal Sivaraj Pal, of Virginia, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 1995.

The following-named persons to be Members of the Board of Directors of the Commodity Credit Corporation:

Catherine Ann Bertini, of Illinois.

Keith D. Bjerke, of North Dakota.

Bruce L. Gardner, of Maryland.

Jo Ann Doke Smith, of Florida.

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**Messages From the President:**

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**Messages From the House:**

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**Measures Referred:**

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**Executive Reports of Committees:**

Page 12713

**Statements on Introduced Bills:**

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**Additional Cosponsors:**

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**Amendments Submitted:**

Page 12724

**Notices of Hearings:**

Page 12968

**Authority for Committees:**

Page 12969

**Additional Statements:**

Page 12969

**Record Votes:** One record vote was taken today. (Total—109)

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**Recess:** Senate convened at 11 a.m., and recessed 6:47 p.m., until 11:30 a.m., on Wednesday, June 6, 1990. (For Senate's program, see the remarks of Senator Mitchell in today's Record on page 12992.)

## Committee Meetings

### APPROPRIATIONS—FOREIGN ASSISTANCE

**Committee on Appropriations:** Subcommittee on Foreign Operations held hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on organization and accountability of managing U.S. foreign aid, receiving testimony from Mark L. Edelman, Deputy Administrator, and Herbert L. Beckington, Inspector General, both of the Agency for International Development.

Subcommittee will meet again Tuesday, June 19.

### NOMINATION

**Committee on Finance:** Committee ordered favorably reported the nomination of James S. Halpern, of the Dis-



trict of Columbia, to be a Judge of the United States Tax Court.

### AGENCY ETHICS PROGRAMS

*Committee on Governmental Affairs:* Subcommittee on Oversight of Government Management held hearings to review Office of Government Ethics' policies and practices in overseeing executive agency ethics programs, receiving testimony from Bernard L. Ungar, Director, Federal Human Resource Management Issues, General Government Division, General Accounting Office; Frank Keating, General Counsel, Department of Housing and Urban Development; Larry B. Slagle, Director of Personnel, Department of Agriculture; James H. Thessin, Deputy Legal Advisor, Department of State; and Donald E. Campbell, Acting Director, Office of Government Ethics. Hearings were recessed subject to call.

### SMALL BUSINESS INSURANCE MARKET

*Committee on the Judiciary:* Subcommittee on Antitrust, Monopolies and Business Rights concluded hearings to examine the adverse effects on small businesses of certain insurance industry practices, after receiving testimony from Mark V. Nadel, Associate Director, Public Health, General Accounting Office; Rick Curtis, Health Insurance Association of America, Washington, D.C.; Marijo McCarthy, Small Business Association of New England, Boston, Massachusetts, on behalf of the National Small Business United; Barbara Balter, Robert B. Balter Company, Owings Mills, Maryland; Lorraine Carter, Carter Child Development Center, Milwaukee, Wisconsin; Richard Blake, Glenwood, Colorado; and Walt Seaver, Colusa, California.

## House of Representatives

### Chamber Action

**Bills Introduced:** 14 public bills, H.R. 4954–4967; 1 private bill, H.R. 4968; and 2 resolutions, H. Con. Res. 338 and H. Res. 405 were introduced.

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**Reports Filed:** Reports were filed as follows:

H.R. 4736, to reduce the number of reports that the Department of Defense is required by law to submit to Congress (H. Rept. 101–499, filed May 24);

H.R. 3897, to authorize appropriations for the Administrative Conference of the United States for fiscal years 1991, 1992, 1993, and 1994, amended (H. Rept. 101–500, filed May 31);

H.R. 4314, to implement the Inter-American Convention on International Commercial Arbitration, amended (H. Rept. 101–501, filed on May 31);

H.R. 4525, to amend the Ethics in Government Act of 1978 to increase the authorization of appropriations for

the Office of Government Ethics (H. Rept. 101–502, Part I, filed May 31);

H.R. 4757, to provide permanent authority for the United States Supreme Court Police, amended (H. Rept. 101–503, filed May 31);

H.J. Res. 520, granting the consent of Congress to amendments to the Washington Metropolitan Area Transit Regulation Compact, amended (H. Rept. 101–504, filed May 31);

H.R. 1862; H.R. 3298; H.R. 3642; H.R. 3791; H.R. 4327; and H.R. 4378, all private bills (H. Repts. 101–505 through 101–510, respectively, filed May 31);

H.R. 4785, to amend the Public Service Act to establish a program of grants to provide preventive health services with respect to acquired immune deficiency syndrome, amended (H. Rept. 101–511, filed May 31);

H.R. 1620, to amend provisions of title 28, United States Code relating to judicial discipline, and to establish a commission to study the problems and issues involved in the appointment and tenure (including discipline and removal) of article III judges, amended (H. Rept. 101–512, filed June 1);

H.R. 2497, to authorize and encourage Federal agencies to use mediation, conciliation, arbitration, and other techniques for the prompt, and informal resolution of disputes, amended (H. Rept. 101–513, filed June 1);

H.R. 2690, to amend title 17, United States Code, to provide certain rights of attribution and integrity to authors of works of visual art, amended (H. Rept. 101–514, filed June 1);

H.R. 3406, to amend title 28, United States Code, to provide for Federal jurisdiction of certain multiparty, multiforum civil actions, amended (H. Rept. 101–515, filed June 1);

H.R. 4611, to amend the National Cooperative Research Act of 1984 to reduce the liability for joint ventures entered into for the purpose of producing a product, process, or service (H. Rept. 101–516, filed June 1);

S. 1999, to amend the Higher Education Act of 1965 to clarify the administrative procedures of the National Commission on Responsibilities for Financing Post-secondary Education, amended (H. Rept. 101–517);

H.R. 1454, to require institutions of higher education receiving Federal financial assistance to provide certain information with respect to the graduation rates of student-athletes at such institutions, amended (H. Rept. 101–518);

H.R. 4115, to authorize appropriations for certain ocean and coastal programs of the National Oceanic and Atmospheric Administration, amended (H. Rept. 101–519);

H.R. 668, to establish a mechanism to provide funding for nonprofit organizations for merchant marine memorials, amended (H. Rept. 101–520);

H.R. 4887, to amend the Federal Aviation Act of 1958 relating to research for prevention of defects, fail-

ures, and malfunctions of aircraft, aircraft engines, propellers, and appliances, which could result in a catastrophic failure of an aircraft, amended (H. Rept. 101-521);

H.R. 3468, to amend the Act entitled "An Act to extend the Wetlands Loan Act", to provide for the expansion of the Stewart B. McKinney National Wildlife Refuge, amended (H. Rept. 101-522);

H.R. 4609, to amend the Coast Guard Authorization Act of 1989 (Public Law 101-225) (H. Rept. 101-523);

H.R. 3657, to amend the Securities Exchange Act of 1934 to provide additional authorities to the Securities and Exchange Commission to prevent disruptions to the Nation's securities markets, amended (H. Rept. 101-524); and

H.R. 2174, to establish a commission to prepare a report on the feasibility of creating a Mississippi River National Heritage Corridor, amended (H. Rept. 101-525).

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**Speaker Pro Tempore:** Read a letter from the Speaker wherein he appoints Representative Gephardt to act as Speaker pro tempore for today.

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**Private Calendar:** Agreed to dispense with the call of the Private Calendar today.

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**Suspensions:** House voted to suspend the rules and pass the following measures:

*National Cooperative Research Act:* H.R. 4611, amended, to amend the National Cooperative Research Act of 1984 to reduce the liability for joint ventures entered into for the purpose of producing a product, process, or service;

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*International commercial arbitration:* H.R. 4314, amended, to implement the Inter-American Convention on International Commercial Arbitration;

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*Judicial discipline:* H.R. 1620, amended, to amend provisions of title 28, United States Code, relating to judicial discipline, and to establish a commission to study the problems and issues involved in the appointment and tenure (including discipline and removal) of article III judges;

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*Visual artist rights:* H.R. 2690, amended, to amend title 17, United States Code, to provide certain rights of attribution and integrity to authors of works of visual arts;

Page 12606

*Multiparty and multiforum jurisdiction:* H.R. 3406, amended, to amend title 28, United States Code, to provide for Federal jurisdiction of certain multiparty, multiforum civil actions;

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*Student right-to-know:* H.R. 1454, amended, to require institutions of higher education receiving Federal financial assistance to provide certain information with respect to the graduation rates of student-athletes at such institu-

tions. Subsequently, S. 580, a similar Senate-passed bill, was passed in lieu after being amended to contain the language of the House bill as passed. H.R. 1454 was laid on the table;

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*Post-Secondary Education Finance Commission:* S. 1999, amended, to amend the Higher Education Act of 1965 to clarify the administrative procedures of the National Commission on Responsibilities for Financing Post-secondary Education. Agreed to amend the title;

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*Panama Canal Commission authorization:* H.R. 4283, amended, to authorize expenditures for fiscal year 1991 for the operation and maintenance of the Panama Canal;

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*Securities market stabilization:* H.R. 3657, amended, to amend the Securities Exchange Act of 1934 to provide additional authorities to the Securities and Exchange Commission to prevent disruptions to the Nation's securities markets;

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*Radiation exposure compensation:* H.R. 2372, amended, to provide jurisdiction and procedures for claims for compassionate payments for injuries due to exposure to radiation from nuclear testing;

Page 12633

*Washington transit regulation compact:* H.J. Res. 520, amended, granting the consent of Congress to amendments to the Washington Metropolitan Area Transit Regulation Compact;

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*Administrative conference authorization:* H.R. 3897, amended, to authorize appropriations for the Administrative Conference of the United States for fiscal years 1991, 1992, 1993, and 1994;

Page 12646

*Supreme Court police:* H.R. 4757, amended, to provide permanent authority for the United States Supreme Court Police;

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*Administrative dispute resolution:* H.R. 2497, amended, to authorize and encourage Federal agencies to use mediation, conciliation, arbitration, and other techniques for the prompt and informal resolution of disputes; and

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*Arizona Indian water rights:* H.R. 4148, amended, to authorize the Secretary of the Interior to acquire certain water rights for the settlement of Indian water rights claims in the State of Arizona.

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**Securities Settlement and Clearance:** House agreed to H. Res. 405, to provide for the correction of the engrossment of H.R. 3656, to amend the Securities Exchange Act of 1934 to improve the clearance and settlement of transactions in securities and related instruments.

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**Presidential Message—Public Broadcasting:** Read a message from the President wherein he transmits the Annual Report of the Corporation for Public Broadcasting for fiscal year 1989 and the Inventory of Federal Funds Distributed to Public Telecommunications Entities by Federal Departments and Agencies: Fiscal Year 1989—referred to the Committee on Energy and Commerce.

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**Quorum Calls—Votes:** No quorum calls or votes developed during the proceedings of the House today.

**Adjournment:** Met at noon and adjourned at 5:14 p.m.

## Committee Meetings

### U.S. POLICY TOWARDS EASTERN EUROPE

*Committee on Foreign Affairs:* Subcommittee on Europe and the Middle East held a hearing on United States Policy Toward Eastern Europe. Testimony was heard from public witnesses.

### FOOD FOR PEACE AND AGRICULTURAL TRADE PROGRAMS

*Committee on Foreign Affairs:* Subcommittee on International Economic Policy and Trade approved for full Committee action Title XI, the Agricultural and Food Resources Act of 1990.

### MISCELLANEOUS MEASURES

*Committee on Interior and Insular Affairs:* Subcommittee on National Parks and Public Lands held a hearing on the following bills: H.R. 3493 and S. 963, Route 66 Study Act of 1989; H.R. 4501, to provide for the acquisition of the William Johnson House and its addition to the Natchez National Historical Park; H.R. 4834, to provide for a visitor center at Salem Maritime National Historic Site in the Commonwealth of Massachusetts; and H.R. 2127 and S. 830, to amend Public Law 99-647, establishing the Blackstone River Valley National Heritage

Corridor Commission, to authorize the Commission to take immediate action in furtherance of its purposes and to increase the authorization of appropriations for the Commission. Testimony was heard from Representatives Early, Watkins, Mavroules, Parker and Machtley; the following officials of the National Park Service, Department of the Interior: James Steward, Assistant Director, Planning and Development; and Gerald D. Patten, Regional Director, North Atlantic Region; Richard T. Moore, member, House of Representatives, State of Massachusetts; Neil Harrington, Mayor, Salem, Massachusetts; and public witnesses.

### SMALL BUSINESSES AND PENSION PLANS

*Committee on Small Business:* Held a hearing on small businesses and pension plans. Testimony was heard from public witnesses.

### NATIONAL DEFENSE RESERVE FLEET SURPLUS ASSETS UTILIZATION

*Committee on Small Business:* On June 4, this Subcommittee on Regulation, Business Opportunities and Energy held a hearing on Utilization of Surplus Ships of the National Defense Reserve Fleet. Testimony was heard from the following officials of the Department of Defense: Robert A. Wooldridge, Ship Sales Marketing Specialist, Defense Logistics Agency; Comdr. John Polley, USN, Executive Officer, Navy Resale and Services Support Office; and John Kaskin, Director, Strategic Sealift, U.S. Navy, both with the Department of the Navy; Warren G. Leback, Administrator, Maritime Administration, Department of Transportation; and public witnesses.

### OLDER AMERICANS ACT

*Select Committee on Aging:* Subcommittee on Human Services held a hearing on "Public Private Partnerships in the Older Americans Act: Opportunities, the Risks." Testimony was heard from public witnesses.



# Résumé of Congressional Activity

## SECOND SESSION OF THE ONE HUNDRED FIRST CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House.

The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

### DATA ON LEGISLATIVE ACTIVITY

January 23 through May 31, 1990

	Senate	House	Total
Days in session .....	63	58	..
Time in session .....	510 hrs., 40'	279 hrs., 59'	..
Congressional Record:			
Pages of proceedings .....	7,113	3,096	10,209
Extensions of Remarks .....	..	1781	..
Public bills enacted into law .....	35	30	65
Private bills enacted into law .....	..	1	1
Bills in conference .....	7	13	..
Measures passed, total .....	182	170	352
Senate bills .....	46	21	..
House bills .....	31	54	..
Senate joint resolutions .....	34	22	..
House joint resolutions .....	7	11	..
Senate concurrent resolutions .....	10	4	..
House concurrent resolutions .....	12	21	..
Simple resolutions .....	42	37	..
Measures reported, total .....	*112	*107	219
Senate bills .....	67	4	..
House bills .....	18	79	..
Senate joint resolutions .....	16	..	..
House joint resolutions .....	..	1	..
Senate concurrent resolutions .....	6	..	..
House concurrent resolutions .....	1	2	..
Simple resolutions .....	4	21	..
Special reports .....	4	6	..
Conference reports .....	..	4	..
Measures pending on calendar .....	118	50	..
Measures introduced, total .....	914	1,438	2,352
Bills .....	703	1,107	..
Joint resolutions .....	98	132	..
Concurrent resolutions .....	49	96	..
Simple resolutions .....	64	103	..
Quorum calls .....	1	10	..
Yea-and-nay votes .....	108	89	..
Recorded votes .....	..	47	..
Bills vetoed .....	..	1	..
Veto overridden .....	..	1	..

### DISPOSITION OF EXECUTIVE NOMINATIONS

January 23 through May 31, 1990

Civilian nominations, totaling 214 (and 79 nominations carried over from the first session), disposed of as follows:	
Confirmed .....	170
Unconfirmed .....	118
Withdrawn .....	5
Civilian nominations (lists), totaling 1,269, disposed of as follows:	
Confirmed .....	1,084
Unconfirmed .....	185
Air Force nominations, totaling 10,868 (and 27 nominations carried over from the first session), disposed of as follows:	
Confirmed .....	10,747
Unconfirmed .....	148
Army nominations, totaling 9,586 (and 2,441 nominations carried over from the first session), disposed of as follows:	
Confirmed .....	9,417
Unconfirmed .....	2,610
Navy nominations, totaling 6,704 (and 204 nominations carried over from the first session), disposed of as follows:	
Confirmed .....	4,201
Unconfirmed .....	2,707
Marine Corps nominations, totaling 2,279 (and 11 nominations carried over from the first session), disposed of as follows:	
Confirmed .....	1,133
Unconfirmed .....	1,157

### Summary

Nominations carried over from the first session .....	2,762
Total nominations received this session .....	30,920
Total confirmed .....	26,752
Total unconfirmed .....	6,925
Total withdrawn .....	5

\*These figures include all measures reported, even if there was no accompanying report. A total of 69 reports has been filed in the Senate, a total of 117 have been filed in the House.